IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 31ST MAY 2007 / 10TH JYAISHTA 1929

Crl.MC.No. 1745 of 2007()

AGAINST THE ORDER DATED 04/04/2007 IN CRMP.741/2007 IN CC.215/2005 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, PERINTHALMANNA

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PETITIONERS/PETITIONERS/SURETIES:

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1. ABDUL SATHAR, S/O. MUHAMMED ALI
   CHERUKAPPALLI HOUSE, PANTHALLOOR
   MALAPPURAM DIST.

2. ZENATH, D/O. ABDUL, KIDANGAYATH HOUSE
   PANTHALLUR, MALAPPURAM DIST.

BY ADV. SRI.BABU S. NAIR

RESPONDENT/STATE:

STATE OF KERALA, REP. BY THE
SUB INSPECTOR OF POLICE, PANDIKKAD
POLICE STATION, THROUGH THE PUBLIC
PROSECUTOR, HIGH COURT OF KERALA
ERNAKULAM, KOCHI -31.

BY PUBLIC PROSECUTOR SRI.S.U. NAZAR

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 31/05/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1745 OF 2007

Dated this the 31st day of May, 2007

ORDER

The petitioners are the sureties who had executed a bond for release of a vehicle involved in the allegation of illegal transportation of sand subject to certain conditions. In compliance with the conditions, the title deeds of the petitioners have been produced before the learned Magistrate. The bond still subsists. The case has not been disposed of. At this stage, the petitioners wanted their title deeds to be returned to them. The bond remains in force. As condition of release, their documents are retained by the court. The learned Magistrate, in these circumstances, did not direct release of the title deeds.

2. The petitioners contend that they are badly in need of the documents. The order of the learned Magistrate cannot be said to be wrong or incorrect. The petitioners have the option

of applying to the learned Magistrate to vary the conditions imposed and offer either alternative sureties or some other mode to justify the prayer for release of the title deeds to secure the interests of the State.

3. The petitioners can certainly exercise that option and move the learned Magistrate. The impugned order does not, according to me, warrant interference.

4. The learned counsel for the petitioners submits that the petitioners shall furnish solvency certificates. That request if made must also be considered by the learned Magistrate expeditiously.

5. This Crl.M.C. is, in these circumstances, dismissed with the above observations.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge